

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH
CAROLINA CHARLOTTE DIVISION
Civil Action No.: 3:22-CV-45**

CYNTHIA JOHNSON

Plaintiff,

v.

**CHARLOTTE-MECKLENBURG
BOARD OF EDUCATION and CATHY
BEAM,**

Defendants

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441, and 1446, Defendants Charlotte-Mecklenburg Board of Education (Defendant Board) and Cathy Beam (“Defendant Beam”) (hereinafter, collectively referred to as “Defendants”), through their undersigned counsel, hereby file this Notice of Removal of the above-captioned action pending in the North Carolina General Court of Justice, Superior Court Division, Mecklenburg County, Civil Action No. 20-CVS-11817 (“the State Court Action”). The grounds for removal are as follows:

BACKGROUND

1. On September 2, 2020, Plaintiff filed a Complaint initiating the State Court Action.
2. Plaintiff thereafter filed an Amended Complaint on December 29, 2021. Plaintiff’s

Amended Complaint alleges an equal protection violation under the Fourteenth Amendment of the United States Constitution as enforced by 42 U.S.C. § 1983 (“Section 1983”) and a claim under 42 U.S.C. § 1981 (“Section 1981”). Plaintiff has also asserted state law claims

of wrongful termination, wrongful discharge, violation of the Retaliatory Employment Discrimination Act (“REDA”), and tortious interference of contractual rights.

3. Defendants, through counsel, received the Amended Complaint via email on December 31, 2021.
4. Pursuant to 28 U.S.C. § 1446(a), all processes, pleadings and other documents served on Defendants are attached to this Notice of Removal as Exhibit A.
5. This Notice of Removal has been timely filed within thirty (30) days of Defendants’ receipt of the Amended Complaint, as required by 28 U.S.C. § 1446(b).
6. Pursuant to 28 U.S.C. § 1331, this Court has jurisdiction over Plaintiff’s Section 1983 and Section 1981 claims because those claims arose under federal law.
7. This Court has supplemental jurisdiction over Plaintiff’s state law causes of action pursuant to 28 U.S.C. § 1367.
8. Based on the foregoing, removal is proper under 28 U.S.C. § 1441(a).
9. In accordance with 28 U.S.C. § 1446(d), a copy of this Notice of Removal will be filed with the Clerk of Court for the North Carolina General Court of Justice, Superior Court Division, Mecklenburg County and served upon Plaintiffs through her counsel.
10. By filing this Notice of Removal, Defendants do not waive any defenses that may be available to them.

WHEREFORE, Defendants, through counsel, hereby remove the State Court Action from the North Carolina General Court of Justice, Superior Court Division, Mecklenburg County to the United States District Court for the Western District of North Carolina.

This the 31st day of January 2022.

/s/ Terry L. Wallace
Terry L. Wallace
N.C. State Bar No. 26806
Wallace Law Firm PLLC
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Charlotte, North Carolina 28210
Phone: 704-626-2903
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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

This is to certify that on this date the undersigned filed the foregoing **NOTICE OF REMOVAL** using the Court's CM/ECF system which will send notification of such filing to any CM/ECF participants.

Lawrence Wooden
Wooden Bowers Vinson PLLC
Suite 810
Charlotte, NC 28262

This the 31st day of January 2022.

/s/ Terry L. Wallace
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